

J. J. asks the Appeals Board of the Utah Labor Commission to review Administrative Law Judge La Jeunesse's dismissal of Mr. J.'s claim for benefits under the Utah Workers' Compensation Act ("the Act"; Title 34A, Chapter 2, Utah Code Annotated).

The Appeals Board exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On January 11, 2005, Mr. J. filed an application with the Labor Commission to compel Franks Westates Casing ("Franks") and its insurance carrier, American Insurance Co. ("American"), to pay Utah workers' compensation benefits for injuries arising from an accident that had occurred in Wyoming.

Franks and American filed motions asking the Commission to dismiss Mr. J.'s application for lack of jurisdiction. In support of these motions to dismiss, Franks and American submitted documents indicating that: 1) Franks had a business premise in Evanston, Wyoming; 2) Franks hired Mr. J. in Wyoming; 3) at the time of hire, Mr. J. was a resident of Wyoming; 4) the accident in question occurred in Wyoming; and 5) Mr. J. had already claimed workers' compensation benefits for the accident under Wyoming's workers' compensation system.

Mr. J. did not respond to the foregoing motions to dismiss. On January 31, 2005, Judge La Jeunesse concluded that the undisputed facts established a lack of any connection between Mr. J.'s work accident and the State of Utah. On that basis, Judge La Jeunesse granted Franks and American's motions and dismissed Mr. J.'s application.

Mr. J.'s motion for review contends that Judge La Jeunesse's decision is based on incorrect facts.

DISCUSSION AND CONCLUSIONS OF LAW

Although Mr. J. now contests some of the facts which led to dismissal of his application, Mr. J. failed to raise any of these points at the proper time, while the matter was still pending before Judge La Jeunesse. Even now, Mr. J. has failed to substantiate his assertions of fact. Under these circumstances, the Commission concludes that Judge La Jeunesse properly concluded that the Utah Labor Commission lacks jurisdiction over Mr. J.'s workers' compensation claim.

ORDER

The Appeals Board affirms Judge La Jeunesse's decision and denies Mr. J.'s motion for review. It is so ordered.

Dated this 8th day of December, 2005.

Colleen S. Colton, Chair

Patricia S. Drawe

Joseph E. Hatch